

Court of Appeals, State of Michigan

ORDER

People of MI v Antonio Junior Lobley

Docket No. 356346

LC No. 2019-003290-FC

Jane M. Beckering
Presiding Judge

Jane E. Markey

James Robert Redford
Judges

The motion for immediate consideration is GRANTED.

The application for leave to appeal is DENIED for lack of merit in the grounds presented. The trial court found that each expert was equally credible and they both agreed with the majority—if not the entirety—of the factual findings, but they disagreed on the ultimate conclusion as to whether defendant is competent to stand trial. This Court does not assess credibility anew. *People v Daniels*, 172 Mich App 374, 378; 431 NW2d 846 (1988). We find no abuse of discretion in the trial court's conclusion that defendant has not met his burden of establishing by a preponderance of the evidence that he is incompetent to stand trial, and instead, is presumed competent. MCL 330.2020(1) ([a] defendant to a criminal charge shall be presumed competent to stand trial); see also *People v Kammaraad*, 307 Mich App 98, 141; 858 NW2d 490 (2014) ("Defendant has failed to overcome the presumption that he was competent to stand trial."). We also note the trial court's admonition that defendant receive substantial assistance at trial to enhance his understanding of the nature and object of the proceedings against him and assist in his own defense.

This order is not intended preclude the trial court or either party from reasserting a challenge to defendant's competency to stand trial at any time during the continuation of the proceedings should circumstances warrant. MCR 6.125(B); MCL 330.2024; *People v Garfield*, 166 Mich App 66, 74; 420 NW2d 124 (1988).


Presiding Judge

Markey, J., (concurring). I agree with the above orders and the conclusion that reversal is unwarranted but do so while also concluding that the record sustains defendant's claims that the trial court exhibited confusion regarding the nature of the proceedings and suggests that the court may have applied an incomplete or incorrect legal standard when resolving the issues of defendant's competence to stand trial. Because we are an error correcting court, I add this comment in the spirit of further clarifying where the trial court may need to focus if the issue does again arise.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

March 23, 2021
Date


Chief Clerk